

04-22-2003

ATTORNEY DOCKET NO.: 56850.000002

EET



102426217

To the Honorable Commissioner for Patent

Name of Conveying Party(ies) (Assignor(s)).

The Bank of Nova Scotia

4-16-03

- ☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☒ Corporation-State
☐ Other: _____

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

Nature of Conveyance

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☒ Other: Security Release

Execution Date: March 4, 2003

ment(s) or copy(ies) thereof.

Address of Party(ies) receiving an interest

(assignee(s)):

Name: Leiner Health Services Corp.Address: 901 East 233rd StreetCity: CarsonState: CA Zip: 90745Country: USA

- ☐ Individual(s) citizenship _____
☐ Association _____
☐ General Partnership _____
☐ Limited Partnership _____
☒ Corporation-State Delaware
☐ Other _____

If assignee is not domiciled in the United States, a domestic representative

designation is attached: ☐ Yes ☐ No

(Designations must be a separate document from assignment)

Additional name(s) and address(es) attached? ☐ Yes ☒ No

Application Number(s) or Registration Number(s):

A. Trademark Application No(s).B. Trademark Registration No(s).22513242278012Additional numbers attached? ☐ Yes ☒ No

Name and address of party to whom correspondence concerning document should be mailed:

Intellectual Property Department
Hunton & Williams LLP
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)

6. Total number of applications and registrations involved:

Application(s): 0
 + Registrations(s): 2
 = Total: 2

7. Total Fee (37 C.F.R. § 3.41) \$ 80.00

- ☒ Enclosed
☐ Authorized to be charged to Deposit Account

8. Deposit Account No.: 50-0206

(Duplicate copy of this sheet attached)

- ☒ Charge any underpayment or credit any overpayment to above Deposit Account

DO NOT USE THIS SPACE

9. Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jonathan D. Link, Reg. No. 41,548

Name of Person Signing

Signature

April 16, 2003

Date

Total number of pages including cover sheet, attachments, and document:

04/21/03 LMUELLER 00000098 2251324

FC: 21 40.00 DP
 FC: 22 25.00 DP
 repln. ef: 04/21/2003 LMUELLER 0009553100
 DH: 50 06 Name/Number: 2251324
 : 92 \$13.00 CR

7



21967

PATENT TRADEMARK OFFICE

TRADEMARK
REEL: 002715 FRAME: 0675

CONSENT TO RELEASE OF SECURITY INTEREST

THIS CONSENT TO RELEASE OF SECURITY INTEREST (this "Release"), is executed this the 4th day of March, 2003 by The Bank of Nova Scotia ("Scotia Capital") as agent to the Lenders (as defined below) (the "Agent") in favor of Leiner Health Services Corp., a wholly owned subsidiary of the Parent, as defined below (the "Company").

WHEREAS the Agent and various other financial institutions have made Loans and other Credit Extensions to LEINER HEALTH PRODUCTS, LLC (the "U.S. Borrower") under that certain Second Amended and Restated Credit Agreement dated as of April 19, 2002 (as amended, supplemented or otherwise modified from time to time, the "Credit Agreement"; capitalized terms used and not otherwise defined herein shall have the meanings given to them in the Credit Agreement) among the U.S. Borrower, VITA HEALTH PRODUCTS INC., a Manitoba corporation (the "Canadian Borrower", and together with the U.S. Borrower, the "Borrowers"), LEINER HEALTH PRODUCTS INC., a Delaware corporation (the "Parent"), the various financial institutions as are or may become parties thereto which make Credit Extensions under the U.S. Facility (collectively, the "U.S. Lenders"), the various financial institutions as are or may become parties thereto which make Credit Extensions under the Canadian Facility (collectively, the "Canadian Lenders", and together with the U.S. Lenders, the "Lenders"), Scotia Capital, as agent for the U.S. Lenders under the U.S. Facility, Scotia Capital, currently acting through its executive offices in Toronto, Ontario, as agent for the Canadian Lenders under the Canadian Facility and MERRILL LYNCH CAPITAL CORPORATION, as documentation agent;

WHEREAS, such Loans and other Credit Extensions are secured by certain assets of the Parent and its Subsidiaries including, without limitation, the following trademark: DAILY IMPACT, Registration no. 2251324, filed March 31, 1998 (the "Trademark");

WHEREAS, the Company has requested that the Agent release its security interest in the Trademark and the Agent is willing to do so;

WHEREAS, Agent now wishes to release the security interest in the Trademark *nunc pro tunc* _____, 200_; and

WHEREAS, the parties hereto desire to evidence in the public records that the security interest in the Trademark as specified herein has become null and void and of no further force or effect on the parties.

NOW THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

1. Release. The Agent does hereby release the security interest and all proprietary interest the Agent holds in the Trademark.

2. Fees. Any filing fees which may be required by the Patent and Trademark Office shall be the sole responsibility of the Company.

3. Further Assurances. Each party shall execute all documents and instruments and shall take or cause to be taken all actions which are necessary or appropriate to complete the transactions contemplated by this Release.

4. Power of Attorney. The Agent hereby appoints, with full power of substitution and revocation, Hunton & Williams to transact all business in the Patent and Trademark Office or in the offices of Secretaries of State solely in connection with the release of security interest herein; provided, however, that such power of attorney shall be limited to execution of documents necessary to release the security interest in the Trademark.

THE BANK OF NOVA SCOTIA

By: Ronald Dooley

Name: Ronald Dooley

Title: DIRECTOR

Dated: March 4, 2003.

~~COMMONWEALTH~~/STATE OF New York)
)ss.
~~CITY~~COUNTY OF SUFFOLK)

The foregoing instrument was acknowledged before me on this 4th day of March, 2003, by Ronald Dooley, on behalf of The Bank of Nova Scotia.

NOTARY PUBLIC

My Commission Expires:
[SEAL]

STATE OF New York
COUNTY OF SUFFOLK
MARCH 4, 2003

Joan D'Addario
JOAN D'ADDARIO
Notary Public, State of New York
4758211, Qualified in Suffolk County
Certificate Filed in New York County
Commission Expires Dec. 31, 2006

CONSENT TO RELEASE OF SECURITY INTEREST

THIS CONSENT TO RELEASE OF SECURITY INTEREST (this "Release"), is executed this the 4th day of March, 2003 by The Bank of Nova Scotia ("Scotia Capital") as agent to the Lenders (as defined below) (the "Agent") in favor of Leiner Health Services Corp., a wholly owned subsidiary of the Parent, as defined below (the "Company").

WHEREAS, the Agent and various other financial institutions have made Loans and other Credit Extensions to LEINER HEALTH PRODUCTS, LLC (the "U.S. Borrower") under that certain Second Amended and Restated Credit Agreement dated as of April 19, 2002 (as amended, supplemented or otherwise modified from time to time, the "Credit Agreement"; capitalized terms used and not otherwise defined herein shall have the meanings given to them in the Credit Agreement) among the U.S. Borrower, VITA HEALTH PRODUCTS INC., a Manitoba corporation (the "Canadian Borrower", and together with the U.S. Borrower, the "Borrowers"), LEINER HEALTH PRODUCTS INC., a Delaware corporation (the "Parent"), the various financial institutions as are or may become parties thereto which make Credit Extensions under the U.S. Facility (collectively, the "U.S. Lenders"), the various financial institutions as are or may become parties thereto which make Credit Extensions under the Canadian Facility (collectively, the "Canadian Lenders", and together with the U.S. Lenders, the "Lenders"), Scotia Capital, as agent for the U.S. Lenders under the U.S. Facility, Scotia Capital, currently acting through its executive offices in Toronto, Ontario, as agent for the Canadian Lenders under the Canadian Facility and MERRILL LYNCH CAPITAL CORPORATION, as documentation agent;

WHEREAS, such Loans and other Credit Extensions are secured by certain assets of the Parent and its Subsidiaries including, without limitation, the following trademark: ONE CHOICE, Registration no. 2278012, filed July 24, 1998 (the "Trademark");

WHEREAS, the Company has requested that the Agent release its security interest in the Trademark and the Agent is willing to do so;

WHEREAS, Agent now wishes to release the security interest in the Trademark *nunc pro tunc* _____, 200_; and

WHEREAS, the parties hereto desire to evidence in the public records that the security interest in the Trademark as specified herein has become null and void and of no further force or effect on the parties.

NOW THEREFORE, in consideration of the above, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

1. Release. The Agent does hereby release the security interest and all proprietary interest the Agent holds in the Trademark.

2. Fees. Any filing fees which may be required by the Patent and Trademark Office shall be the sole responsibility of the Company.

3. Further Assurances. Each party shall execute all documents and instruments and shall take or cause to be taken all actions which are necessary or appropriate to complete the transactions contemplated by this Release.

4. Power of Attorney. The Agent hereby appoints, with full power of substitution and revocation, Hunton & Williams to transact all business in the Patent and Trademark Office or in the offices of Secretaries of State solely in connection with the release of security interest herein; provided, however, that such power of attorney shall be limited to execution of documents necessary to release the security interest in the Trademark.

THE BANK OF NOVA SCOTIA

By: _____

Name: _____

Title: _____

Dated: March 4, 2003.

~~COMMONWEALTH/STATE OF~~ New York)

)ss.

~~CITY/COUNTY OF~~ Suffolk)

The foregoing instrument was acknowledged before me on this 4th day of March, 2003, by Ronald Dooley, on behalf of The Bank of Nova Scotia.

NOTARY PUBLIC

My Commission Expires:

[SEAL]

*State of New York
County of Suffolk
March 4, 2003*

Joan D'Addario

JOAN D'ADDARIO

Notary Public, State of New York

N.Y. § 58-211, Qualified in Suffolk County

Notary Public to be Filed in New York County

Commission Expires Dec. 31, 2006